

REMARKS

Claims 1-37 are pending in the present application. In the Office Action dated June 15, 2005, claims 1-4, 6, 8-9, 19-22, 24, 26-29 and 32 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,370,836 to Gunn ("Gunn"). Claims 30-31 were objected to as depending on a rejected base claim but would be allowable if amended to include the base claim and any intervening claims. Applicants appreciate the Examiner's indication that claims 5, 7, 10-18, 23, 25 and 33-37 are allowable over the prior art of record.

The embodiments disclosed in the present application will now be discussed in comparison to the cited references. Of course, the discussion of the disclosed embodiments, and the discussion of the differences between the disclosed embodiments and the cited references, does not define the scope or interpretation of any of the claims. Instead, such discussed differences merely help the Examiner appreciate important claim distinctions discussed thereafter.

Various embodiments of a siding installation apparatus for engaging a first siding piece and supporting a second siding piece, the first siding piece having a bottom portion and a back surface are disclosed. The apparatus includes a support member having a longitudinal axis and an upper shelf having a support surface configured to support the second siding piece. The engagement member projects from the support member and is configured to engage the bottom portion of the first siding piece by contacting at least the back surface of the first siding piece. The apparatus also includes a securing assembly coupled to the support member to releasably restrict the support member from moving relative to the first siding piece. The securing assembly is operable to apply a force to the first siding piece in a direction transverse to the longitudinal axis of the support member. In one embodiment, the securing assembly includes a cam pivotably coupled to the support member and a contact element at least proximate to the cam. In such an embodiment, the cam may be selectively pivotable in a first direction to force the contact element against a front surface of the first siding piece to apply a force to the front surface in a direction transverse to the longitudinal axis of the support member in order to restrict movement of the support member relative to the first siding piece. In some embodiments, the support member includes a first portion having the support surface and a second portion moveable relative to each other along an adjustment axis so that the position of the support surface may be selectively moved.

The Examiner has cited Gunn. Gunn discloses an apparatus for compressing floor boards together in an end to end relationship. The apparatus of Gunn employs a first plate 10 configured to receive a first floor board 30 and a second plate 50 configured to receive a second floor board 35. A biasing means 40 is attached to the first plate 10 and a strap clamping means 60 is attached to the second plate 50. By tensioning a compression strap 70 using the biasing means 40 and the clamping means 60, the first floor board 30, second floor board 35, and an intermediate board are longitudinally compressed together in an end-to-end relationship.

The combination of the first and second plates 10 and 50, biasing means 40, strap clamping means 60, and strap 70 are not interrelated and configured in a manner to enable applying a force in a direction transverse to a longitudinal axis of the first and second plates 10 and 50 to releasably restrict movement of the plates 10 and 50 relative to first and second floor boards 30 and 35. To the extent that the strap clamping means 60 can fairly be considered a securing assembly, any force generated by it will not result in a force to one of the floor boards in a direction transverse to a longitudinal axis of the first and second plates 10 and 50. In fact, Gunn teaches away from an apparatus having a support member and a securing assembly coupled thereto operable to apply a force transverse to a longitudinal axis of the support member when one of the boards is engaged in order to restrict movement between the support member and the board because the purpose of Gunn is to compress plates end-to-end longitudinally.

Turning now to the claims, the patentably distinct differences between the cited references and the claim language will be specifically pointed out. As amended claim 1 recites, “[a] siding installation apparatus for engaging a first siding piece and supporting a second siding piece , the first siding piece having a bottom portion and a back surface, the apparatus comprising: a support member having a longitudinal axis and_a support surface to support the second siding piece; an engagement member projecting from the support member and configured to engage the bottom portion of the first siding piece by contacting at least the back surface of the first siding piece; and a securing assembly coupled to the support member to releasably restrict the support member from moving relative to the first siding piece, the securing assembly being operable to apply a force to the first siding piece engaged by the engagement member in a direction transverse to the longitudinal axis of the support member.” (Emphasis Added). As discussed above, Gunn does not disclose or fairly suggest a securing assembly operable to apply a force to a second siding piece in a direction transverse to a longitudinal axis of the support member that supports a second siding piece.

As amended claim 19, recites “[a] siding installation apparatus for engaging a first siding piece and supporting a second siding piece, the first siding piece having a bottom surface and a back surface , the apparatus comprising: a support member having an adjustment axis and a support surface to support the second siding piece; an engagement member coupled to the support member, the engagement member having a first portion configured to contact the bottom surface of the first siding piece and a second portion configured to contact the back surface of the first siding piece, the second portion having a longitudinal axis transverse to the adjustment axis; and a securing assembly coupled to the support member to releasably restrict the support member from moving relative to the first siding piece, the securing assembly being operable to apply a force to the first siding piece engaged by the engagement member in a direction transverse to the adjustment axis of the support member.” (Emphasis Added). As discussed above, Gunn does not disclose or fairly suggest a securing assembly operable to apply a force to a second siding piece in a direction transverse to an adjustment axis of the support member that supports a second siding piece.

As amended claim 27, recites “[a] siding installation apparatus for engaging a first siding piece and supporting a second siding piece, the first siding piece having a bottom portion and a front surface, the apparatus comprising: a support member having a longitudinal axis and a support surface to support the second siding piece; an engagement member projecting from the support member and configured to engage the bottom portion of the first siding piece; and a securing assembly including a cam pivotably coupled to the support member and a contact element at least proximate to the cam, wherein the cam is selectively pivotable in a first direction to force the contact element against the front surface of the first siding piece engaged by the engagement member to apply a force to the front surface in a direction transverse to the longitudinal axis of the support member in order to restrict movement of the support member relative to the first siding piece.” (Emphasis Added). As discussed above, Gunn does not disclose or fairly suggest a securing assembly including a cam operable to apply a force to a second siding piece in a direction transverse to a longitudinal axis of the support member that supports a second siding piece.

Claims depending from claims 1, 19, and 27 are also allowable due to depending from a patentable base claim and further in view of the additional limitations recited in the dependent claims.

Applicants also note that the limitations previously added to claims 1, 19, and 25 in the office action response dated March 15, 2005 have been deleted. Accordingly, in some aspects claims 1, 19, and 27 are broader in scope.

All of the claims remaining in the application are now clearly allowable. Favorable consideration and a Notice of Allowance are earnestly solicited.

Respectfully submitted,

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